

January 30, 2008

Region 41 – 700 MHz Planning Committee (RPC) requests a limited and temporary waiver of Sections 90.527(a)(3) and (6) relative to the January 30, 2008 revised plan submitted to the Federal Communications Commission (FCC). Submission of the revision was mandated by the FCC in response to the commission's own action wherein they reallocated spectrum currently designated for regional public safety use in 700 MHz. Region 41 does not oppose the commission's action, but considers the mandate for a revision to the regional plan to be premature.

In appendix C of the previously approved Region 41 – 700 MHz plan the RPC elected to utilize CAPRAD for initial channel assignment based on a population matrix. With recent FCC action which effectively removes half of the current spectrum available to public safety for regional assignment Region 41 RPC is waiting for CAPRAD to update the pre-sorted channel distribution list for the region. Region 41 intends to adopt the revised CAPRAD database for channel assignment when it becomes available. Until such time the previously approved channel assignment list included in appendix C of the Region 41 plan has been temporarily removed with the following language:

*As of January, 2008, the system that has been approved for assisting the majority of the 700 MHz Regional Planning Committees, including Region 41, known as CAPRAD, had not yet been updated to reallocate spectrum to comply with the FCC's 2nd R&O (FCC 07-132). When this system has been updated, Region 41 will utilize this pre-sorted allocation as the guideline for assigning spectrum. In the interim, assignments that are made within Region 41 will seek adjacent region approval when any site or operational area of the applicant is within 120 km of any adjacent region. Region 41 will also provide updates to CAPRAD with all assignments that have been made during this transition period, when the system is operational.*

Region 41 – 700 MHz RPC will submit a plan revision, including a regional frequency distribution list (appendix C), to the FCC no later than 30 days after CAPRAD updates the channel allocation database. The RPC will not

approve new frequency assignments in the spectrum until after the revision has been approved by the FCC.